

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

MAJOR LEAGUE BASEBALL  
PROPERTIES, INC. and CHICAGO CUBS  
BASEBALL CLUB, LLC,

Plaintiffs,

v.

TOUSSIANT STEVENS; et al.,

Defendants.

Civil Action No. 1:16-cv-09140

**MOTION FOR ENTRY OF DEFAULT AGAINST CERTAIN DEFENDANTS**

To the Clerk of Court:

Pursuant to Federal Rule of Civil Procedure 55(a), Plaintiffs move for entry of default judgment against Defendants Johnnie Carr, James Quitoni, James Lathom, Tyreak Rush, Angelo Lapalomento, William Shearin, Tyler Benard III, Philip Coleman, Edward Robinson, Jamir Branch, Bilal Walk, Vincent Riso, Dwan Pascall, Jibri Bost, Lamarre Johnson, Derek Truesdale, Jalen Hinton, Kenneth Joseph, Charles Simmons Jr., James Cines, Anthony Hopkins, James Wright, Anthony Simmon, Robert Walkers, John King, Tyrese Autrey, Darnell Simmons, Esteban Lopez, Theo Anthony Bishop, Ryan Rippetoe, Arthur Johnson, Craig Bay Jr., Anthony Dais, Jason Brison, Chad Hines, Martin Quattlebaum, Michael Huhn, Troy Brown, Pasquale Pedicini, Vaughn Waddle, Angel Villoda, Michael LaDale Jackson, Eddie Irizarry, Maurice Kelly, Geraldo Camara, and Bernard Thompson (the “Default Defendants”) for failure to answer or otherwise plead to the relevant and operative complaints in this action. In support of this Motion, Plaintiffs state as follows:

1. Plaintiffs commenced this action on September 22, 2016 by filing a Complaint against certain Defendants, through which Plaintiffs seek affirmative relief. *See* ECF 1. On September 26, 2016, Plaintiffs filed the First Amended Complaint. ECF 23. On October 14, 2016, the Court granted Plaintiffs' request to file a Second Amended Complaint, ECF 57, and Plaintiffs' Second Amended Complaint was filed on October 18, 2016, ECF 58. On October 20, 2016, the Court granted Plaintiffs' request to file a Third Amended Complaint, ECF 68, and Plaintiffs' Third Amended Complaint was filed on October 24, 2016, ECF 69. On October 27, 2016, the Court granted Plaintiffs' request to file a Fourth Amended Complaint, ECF 79, and Plaintiffs' Fourth Amended Complaint was filed on November 1, 2016, ECF 80. On November 3, 2016, the Court granted Plaintiffs' request to file a Fifth Amended Complaint, ECF 105, and Plaintiffs' Fifth Amended Complaint was filed on November 3, 2016, ECF 99.

2. On November 3, 2016, the Court issued a Fifth Extended *Ex Parte* Temporary Restraining Order and Seizure and Impoundment Order, which shortened the time for Default Defendants to file an answer and which stated, *inter alia*, that **“Defendants’ answering papers, if any, shall be filed with the Clerk of this Court . . . before 4:00 p.m. on November 9, 2016.”** ECF 108, Fifth Extended Order at 12 (emphasis added).

3. Default Defendants were personally served with a copy of the Summons and the Fifth Amended Complaint, along with a copy of the Fifth Extended Order.

4. Plaintiffs have filed Affidavits of Service for each of the Default Defendants. *See* ECF 109–154.

5. Pursuant to the Fifth Extended Order, Default Defendants were required to serve an answer or otherwise plead to the Fifth Amended Complaint on or before 4:00 p.m. on November 9, 2016.

6. To date, none of the Default Defendants has served an answer or any other responsive pleading to the relevant and operative complaints, nor has any counsel of record made an appearance on their behalf or otherwise contacted counsel for Plaintiffs.<sup>1</sup>

7. Federal Rule of Civil Procedure 55(a) directs the clerk to enter default “[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend . . . .”

WHEREFORE, Plaintiffs respectfully request that default be entered against Defendants Johnnie Carr, James Quitoni, James Lathom, Tyreak Rush, Angelo Lapalomento, William Shearin, Tyler Benard III, Philip Coleman, Edward Robinson, Jamir Branch, Bilal Walk, Vincent Riso, Dwan Pascall, Jibri Bost, Lamarre Johnson, Derek Truesdale, Jalen Hinton, Kenneth Joseph, Charles Simmons Jr., James Cines, Anthony Hopkins, James Wright, Anthony Simmon, Robert Walkers, John King, Tyrese Autrey, Darnell Simmons, Esteban Lopez, Theo Anthony Bishop, Ryan Rippetoe, Arthur Johnson, Craig Bay Jr., Anthony Dais, Jason Brison, Chad Hines, Martin Quattlebaum, Michael Huhn, Troy Brown, Pasquale Pedicini, Vaughn Waddle, Angel Villoda, Michael LaDale Jackson, Eddie Irizarry, Maurice Kelly, Geraldo Camara, and Bernard Thompson.

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<sup>1</sup> Although he did not file an answer or any other responsive pleading as required by the Fifth Extended Order, Defendant Siddiq Abdul Mumin has contacted Plaintiffs in an effort amicably to resolve this dispute. Therefore, Plaintiffs do not seek entry of default against Defendant Siddiq Abdul Mumin at this time.

Dated: November 9, 2016

**RILEY SAFER HOLMES & CANCELIA LLP**

By: /s/ Brian O. Watson

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